

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS WILLIAM WOOTEN,

Petitioner,

Case No. 21-cv-11856
Honorable Linda V. Parker

v.

UNITED STATES OF AMERICA,

Defendant.

OPINION AND ORDER GRANTING PETITIONER'S MOTION TO STAY

Petitioner, who is currently incarcerated at the Allenwood Medium Federal Correctional Institution in White Deer, Pennsylvania, filed a pro se application for writ of habeas corpus pursuant to 28 U.S.C. § 2241 in the United States District Court for the Middle District of Pennsylvania. (*See* ECF No. 1.) Petitioner is attacking his convictions in the United States District Court for the Eastern District of Michigan of two counts of production of child pornography, two counts of distribution of child pornography, one count of receiving child pornography, and one count of possession of child pornography. *See* Judgment, *United States v. Wooten*, No. 12-cr-20040 (E.D. Mich. Apr. 26, 2013), ECF No. 55. The federal court in Pennsylvania transferred the matter to this District pursuant to 28 U.S.C. § 1404(a) to address the merits of Petitioner's claims. (ECF Nos. 2, 3.) Petitioner, however, has appealed the transfer decision and his appeal is pending before the

United States Court of Appeals for the Third Circuit. *See Wooten v. United States*, No. 21-3303 (3d Cir. filed Dec. 15, 2021). Petitioner has moved to stay the pending proceedings until his appeal is resolved. (ECF No. 6.)

The Court concludes that a stay is appropriate and is, therefore, granting Petitioner's motion. The Court does not believe that it should address the § 2241 petition while the issue of whether it should have been transferred to this District in the first instance remains pending before the Third Circuit.

Accordingly,

IT IS ORDERED that Petitioner motion to stay (ECF No. 6) is
GRANTED.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 11, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 11, 2022, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager